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U.S. DISTRICT COURT
N.D. OF ALABAMA

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To: Kelli Williams

From: Shakeitra Elder

Date: July 13, 2007

Pages: 4, including cover

Re: VGS Case

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVSION

CARLA MANCIL, as mother and next friend of JOSHUA MANCIL, a minor	*	
PRICE, Deceased,	*	
Plaintiff,	*	
v.	*	CIVIL ACTION NO. 407-922RDP
NINTENDO OF AMERCIA INC.,	*	
Defendant.	*	

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW Plaintiff Carla Mancil, as mother and next friend of Joshua Mancil, a minor, and Defendant, Nintendo of America, Inc., and pursuant to the FRCP, Rule 41(a), and present the Court with their Stipulation of Dismissal With Prejudice, as to each and every claim asserted by the Plaintiff against Defendant Nintendo of America Inc., and further states as follows:

1.

This Court has jurisdiction over this action and over each of the Parties.

2.

Plaintiff's Counsel has reviewed the intent and effect of this stipulation with Plaintiff, and Plaintiff consents to this dismissal with prejudice.

3.

Defendant stipulates to the dismissal of this action, with prejudice.

WHEREFORE, the parties jointly seek an Order dismissing the present action, with prejudice, each party to bear its own costs.

Submitted this ______________ day of July 2007

/s/ David F. Miceli
DAVID F. MICELI (MIC006)
Attorney for Plaintiff Carla Mancil, as mother of next friend of Joshua Mancil, a minor

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CARLA MANCIL, as mother and next friend of *
JOSHUA MANCIL, a minor
PRICE, Deceased, *

Plaintiff, *

v. * CIVIL ACTION NO. 407-922RDP

NINTENDO OF AMERCIA INC., *

Defendant. *

ORDER DISMISSING ALL CLAIMS AGAINST DEFENDANT NINTENDO OF AMERICA INC.

This matter comes before the Court on the parties' joint stipulation to dismiss the above action, pursuant to FRCP, Rule 41(a). Upon consideration of the stipulation, it is hereby

ORDERED, ADJUDGED and **DECREED** that all claims and causes of action asserted against Nintendo of America Inc. are hereby DISMISSED, with prejudice, each party to bear its own costs.

ENTERED this ____ day of ____________________, 2007.

____
R. DAVID PROCTOR, JUDGE
USDC-AL (Birmingham)